

REMARKS

1. The Office Action has rejected Claims 1 – 5 under the provisions of 35 U.S.C. §102(b) as being unpatentable over U. S. Patent No. 4,826,387 (Audet). The Office Action states that the Audet reference teaches a roof rack structure having pivotally movable front and rear side rail members movable between a raised basket-forming position and a lowered collapsed position. This rejection is respectfully traversed.

Applicant would direct the Examiner's attention to the amendments to Claim 1 to clarify Applicant's invention. Claim 1 defines a roof rack apparatus that has front and rear side rail members that are independently collapsible by being pivotal inwardly to move from an upright basket forming position to a lowered collapsed position on top of the vehicle roof. Applicant has amended independent Claim 1 to specify this feature of Applicant's roof rack structure. As defined in Claim 1, the roof rack has four side rail members, left and right front members and left and right rear members, each of which is laterally movable independently of each of the other side rail members. Claim 1 further defines that the roof rack apparatus has at least one storage surface on which one of the rear side rail members is attached by a hinge bar to permit the corresponding rear side rail member to pivot inwardly onto the storage surface to move from the upright basket forming position into the collapsed position.

Dependent Claim 3 further adds that the roof rack structure includes front and rear upright transverse rail members that a basket with the side rail members when they are in the upright position. Claim 4 adds that are pivotally moveable in a longitudinal direction, which is opposite to the direction of pivotal movement of the side rail members to move into lowered collapsed position corresponding to the side rail members.

Claim 5 introduces that there are a pair of storage surfaces corresponding to the rear side rail members, each of the storage surfaces being laterally movable relative to the other storage surface. Claim 6 introduces specific structure enabling the lateral movement of the storage surfaces to be positionable along the side surface of the automotive vehicle. Claim 6 has been indicated in the Office Action as containing allowable subject matter. Applicant respectfully submits that Claims 1 – 5 also contain allowable subject matter as defined above over the teachings of the Audet reference which is described below.

Audet does disclose a somewhat similar roof rack system for an automobile in that the opposing sides of the roof rack apparatus are movable outwardly and pivotable downwardly to position the side portions of the Audet roof rack along the sides of the vehicle. However, Audet cannot meet the specific limitations of independent Claim 1 in that Audet only discloses a single side rail member along each respective side of the roof rack apparatus, rather than a pair of (first and second) front side rail members and corresponding rear side rail members, all of which are independently laterally pivotally movable relative to the other three side rail members.

Furthermore, each of the side rail members in Audet is not collapsible inwardly on top of the vehicle roof to move into a collapsed position. As noted above, Applicant's amended Claim 1 is directed to a roof rack structure in which the four side rail members are laterally pivotable with at least one storage surface supporting at least one of the rear side rails by a hinge bar that will permit the at least one rear side rail to pivot inwardly into a collapsed position. Audet contains absolutely no teaching or suggestion of such a roof rack structure. Accordingly, Audet cannot meet the limitations of independent Claim 1, as amended, and thus cannot anticipate Claim 1.

With respect to the limitations of the claims dependent on Claim 1, Audet contains no teaching or suggestion for front and rear transverse rail members that form a basket structure with the side rail members, and clearly no pivotal support of transverse rail members that allow the front and rear transverse rails to pivot longitudinally to move into a collapsed position. With respect to dependent Claim 6, Applicant agrees with the Examiner's conclusion that the limitations therein are not met by the Audet reference; however, Applicant would prefer to retain Claims 6 – 9 in their dependent form and request that Claims 1 – 9 be passed to allowance.

In view of the amendments made above, Applicants respectfully request that this rejection be reconsidered and withdrawn.

2. The Office Action has rejected Claim 17 under the provisions of 35 U.S.C. §102(b) as being anticipated by U. S. Patent No. 2,078,642 (Fagan). This rejection is respectfully traversed.

As noted below, the Office Action has indicated that Claim 18 contains allowable subject matter. By the amendments to Claim 18 above to incorporate the limitations of Claim 17, Applicant has rendered Claim 18 into independent form. Accordingly, Applicant respectfully requests that this claim, and Claims 19 and 20 that depend therefrom, be passed to allowance.

3. The Office Action has rejected Claims 10 and 11 under the provisions of 35 U.S.C. §103(a) as being unpatentable over U. S. Patent No. 4,826,387 (Audet). The Office Action states that the Audet reference teaches a roof rack structure having pivotally movable structure that is positionable along the sides of the vehicle. While the Office Action concedes that Audet does not disclose a pair of front side rail members, the Office Action concludes that adding a second roof rack system as taught in Audet would be a mere duplication and, thus, obvious to one of ordinary skill in the art. This rejection is respectfully traversed.

Applicant would direct the Examiner's attention to the amendments to independent Claim 10 to clarify Applicant's invention as a roof rack apparatus that includes four independently movable side rail members with the rear side rail members being supported on corresponding storage surface devices for lateral movement with the corresponding storage surface device relative to the other storage surface device. Applicant respectfully submits that the Audet reference cannot meet or make obvious these specific structural limitations.

As is noted above, Audet discloses only one side rail structure on each side of the roof rack apparatus. Audet contains no teaching or suggestion for adding a second roof rack apparatus. More importantly, Audet contains no teaching or suggestion that multiple side rail members on the same side of the vehicle could be independently movable. Audet clearly discloses that the entire carrier assembly 14 be movable to a position along the side of the vehicle. Audet does not contain even a remote suggestion that independent movement of four side rail members could be utilized on a roof rack apparatus. Accordingly, Applicant respectfully submits that Audet cannot meet or make obvious Applicant's invention as defined in amended independent Claim 10.

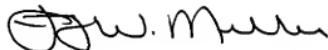
For the reasons given above, Applicant respectfully request that this rejection be reconsidered and withdrawn.

4. Applicant appreciates the indication of allowable subject matter in dependent Claims 6 – 9, 12 – 16 and 18 – 20, but, except for Claim 18 which was converted into independent form by the amendments above, Applicant would prefer to retain these claims in their dependent form. Applicant respectfully requests that these claims be passed to allowance with the other claims remaining in this application.

5. In summary, Claims 1, 3, 10, 11 and 18 have been amended, Claim 17 has been canceled, and Claims 1, 3 – 16 and 18 – 20 remain in the application. Applicant believes that the claims are allowable based on the foregoing amendments. Applicant respectfully requests that all rejections be reconsidered and withdrawn and that all claims remaining in this case be allowed.

Pursuant to currently recommended Patent Office practice, the Examiner is expressly authorized to call the undersigned attorney if in his judgment disposition of this application could be expedited or if he considers the case ready for final disposition by other than allowance.

Respectfully submitted,



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